UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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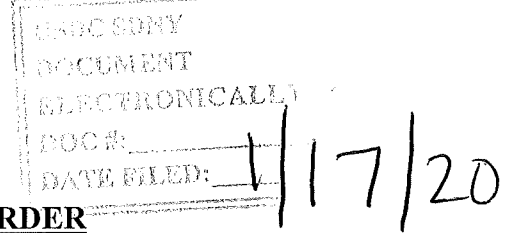OWEN HARTY, Individually,   :
                              Plaintiff,   :

v.   :

WEST POINT REALTY, INC., A New York   :
Corporation,
                              Defendant.   :
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ORDER

19 CV 8800 (VB)

On January 16, 2020, defendant moved to dismiss the complaint. (Docs. ##16–17).

Accordingly, it is hereby ORDERED that, by no later than January 27, 2020, plaintiff must notify the Court by letter whether (i) he intends to file an amended complaint in response to the motion to dismiss, or (ii) he will rely on the complaint that is the subject of the motion to dismiss.

If plaintiff elects not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendant's motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Capital v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiff elects to file an amended complaint, he must file the amended complaint by no later than 14 days after notifying the Court of his intent to do so. Within 21 days of such amendment, defendant may either (i) file an answer to the amended complaint, (ii) file a motion to dismiss the amended complaint, or (iii) notify the Court by letter that it is relying on the initially filed motion to dismiss.

Dated: January 17, 2020
       White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge